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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/589,965	08/18/2006	Hiroyuki Sekine	129083	1059
25944 7590 12/08/2009 OLIFF & BERRIDGE, PLC P.O. BOX 320850 ALEXANDRIA, VA 22320-4850				
EXAMINER				
ROST, ANDREW J				
ART UNIT		PAPER NUMBER		
3753				
MAIL DATE		DELIVERY MODE		
12/08/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/589,965

**Applicant(s)**

SEKINE, HIROYUKI

**Examiner**

Andrew J. Rost

**Art Unit**

3753

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 August 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 4, 5, 12 and 13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 4, 5, 12 and 13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 August 2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB006)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Paper No(s)/Mail Date \_\_\_\_\_
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. This action is in response to the amendment filed 8/19/2009. Claim 1 is currently amended. Claims 2, 3 and 6-11 are canceled. No claims are newly added. Presently, claims 1, 4, 5, 12 and 13 are pending.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 4, 5, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ko et al. (5,733,441) in view of Gliss (2,513,795).

Regarding claim 1, Ko et al. disclose a fluid supply device having a flexible portion (16a), a first filter (13) on the upstream side of the flexible portion, a second filter (18) downstream of the flexible portion, and a pressurizing means (pump 12) wherein the first filter is provided between the pressurizing means and the flexible portion (figure 2). Ko et al. do not expressly disclose the filter accuracy of the second filter to be lower than the filter accuracy of the first filter. However, Gliss teaches the use of a first filter means (40) upstream of a second filter means (passages 43 in backing plate 41) wherein the filter accuracy of the second filter means (43) is lower than the filter accuracy of the first filter means (40) (the openings through the filters are shown in figures 1 and 2) in order to create some back pressure within the line to support the first

filter means (col. 2, lines 46-48). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the filter accuracy of the second filter to be lower than the filter accuracy of the first filter to the filters of the Ko et al. reference as taught by Gliss in order to create some back pressure within the line to support the first filter means (col. 2, lines 46-48).

In regards to claim 4, Ko et al. disclose the flexible portion to be a bellows pipe (col. 2, line 51).

In regards to claim 5, Ko et al. disclose the pressurizing means to be a fluid pump (air pump 12, col. 2, line 49).

Regarding claims 12 and 13, Ko et al. disclose a structure of a fluid supply system that is capable of being used in a fuel gas supply system. The recitation of "incorporating the fluid supply device according to claim 1 in a reaction gas supply system" (claim 12, lines 1-2) is an intended use recitation and given no patentable weight.

#### ***Response to Arguments***

4. Applicant's arguments, see arguments regarding the Yoshioka reference (5,988,213) on pages 4-5 of the remarks, filed 8/19/2009, with respect to the 35 U.S.C. 102(b) rejection of claims 1, 3, 5-7, 10 and 11 over the Yoshioka reference have been fully considered and are persuasive. The rejection of claims 1, 3, 5-7, 10 and 11 as being anticipated by the Yoshioka reference has been withdrawn.

5. Applicant's arguments, see page 3, paragraphs 4-5 of the remarks, filed 8/19/2009, with respect to the rejection(s) of claim(s) 1, 4, 5, 12 and 13 under 35 U.S.C. 102(b) over Ko et al. (5,733,441) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of the Ko et al. reference in view of Gliss (2,513,795). It is considered that the newly applied Gliss reference addresses applicant's concerns and claim language relating to the filter accuracy of the second filter to be less than the filter accuracy of the first filter features.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew J. Rost whose telephone number is 571-272-2711. The examiner can normally be reached on 7:00 - 4:30 M-Th and 7:00 - 12:00 Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on 571-272-4777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. J. R./  
Examiner, Art Unit 3753

/Robin O. Evans/  
Supervisory Patent Examiner, Art Unit 3753